

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 21-0829V

UNPUBLISHED

DAVID K. MCQUINN,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 7, 2022

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu); Guillain-  
Barré syndrome ("GBS").

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for  
Petitioner.*

*Lauren Kells, U.S. Department of Justice, Washington, DC, for Respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On February 1, 2021, David K. McQuinn filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the "Vaccine Act"). Petitioner alleged that he suffered injuries, including Guillain-Barré syndrome ("GBS") as a result of the influenza ("flu") vaccine administered in his left deltoid on November 27, 2018. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 3, 2022, Respondent filed his Rule 4(c) report in which he **concedes** that Petitioner has satisfied the criteria set forth in the Vaccine Injury Table ("Table") and the accompanying Qualifications and Aids to Interpretation ("QAI"), which afford Petitioner a presumption of causation if the onset of GBS occurs between three and forty-two days

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

after a seasonal flu vaccination and there is no apparent alternative cause. Rule 4(c) Report at 5-6 (citing Vaccine Act sections 14(a)(XIV)(D), (c)(15).

**In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master